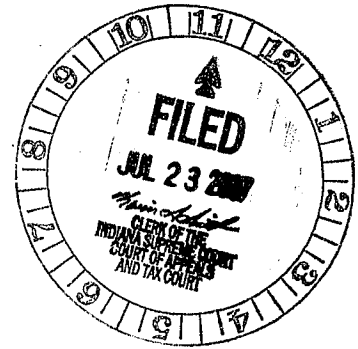


In the
Indiana Supreme Court



IN THE MATTER OF)

APPROVAL OF LOCAL RULES)

FOR ADAMS COUNTY)

Cause No. 01S00-0707 -MS-286

ORDER APPROVING AMENDMENTS TO LOCAL RULES

Pursuant to Ind. Trial Rule 81(D), the Hon. Frederick A. Schurger, Judge of the Adams Circuit Court and the Hon. James A. Heimann, Judge of the Adams Superior Court, request this Court's approval of amendments to Adams County Local Rules LR01-CR2.2-01 through LR01-CR2.2-05, inclusive, and LR01-AR15-01 through LR01-AR15-07, inclusive. They also request that the amendments be approved retroactive to June 1, 2007.

Upon examination of the proposed rule amendments requested by the Adams Circuit and Superior Courts, this Court finds that the proposed rule amendments to Local Rules LR01-CR2.2-01 through LR01-CR2.2-05, inclusive, comply with the requirements of Ind. Criminal Rule 2.2 and that the proposed rule amendments to LR01-AR15-01 through LR01-AR15-07, inclusive, comply with the requirements of Ind. Administrative Rule 15 and, accordingly, should be approved retroactive to June 1, 2007.

IT IS, THEREFORE, ORDERED by this Court that Adams County Local Rules LR01-CR2.2-01 through LR01-CR2.2-05, inclusive, and LR01-AR15-01 through LR01-AR15-07, inclusive, set forth as an attachment to this Order, are approved retroactive to June 1, 2007.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Frederick A. Schurger, Adams Circuit Court, P.O. Box 610, Decatur, IN 46733-0610; to the Hon. James A. Heimann, Adams Superior Court, P.O. Box 569, Decatur, IN 46733-0569; and to the Clerk of the Adams Circuit Court.

The Clerk of the Adams Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 23rd day of July, 2007.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

STATE OF INDIANA

COUNTY OF ADAMS SS:

IN THE ADAMS CIRCUIT COURT
CASE NUMBER 01C01-0701-CB-0001

IN THE ADAMS SUPERIOR COURT
CASE NUMBER 01D01-0701-CB-0001

IN RE:
LOCAL RULES

AMENDED
LOCAL RULES REGARDING ASSIGNMENT OF CRIMINAL CASES,
CHANGE OF VENUE AND RELATED MATTERS

INTRODUCTION

The following rules have been adopted by the Judges of Adams Circuit Court and Adams Superior Court in compliance with Criminal Rules 2.2, 12 and 13 ~~to be effective July 1, 1995~~. The undersigned Judges comprise all of the Judges in Adams County with jurisdiction in felony and misdemeanor cases and they have evaluated the past procedures and have assessed the needs of Adams County. The following local rules are hereby adopted:

LR01-CR2.2-01 --CASE ASSIGNMENT

(A) Misdemeanors and D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is a Class D Felony or a Misdemeanor shall be assigned to Adams Superior Court.

(B) All Felonies Except D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is greater than a Class D Felony shall be assigned to Adams Circuit Court. For example, if any felony greater than a Class D Felony is filed it shall be assigned to Adams Circuit Court along with any additional criminal charges regardless of whether or not those additional criminal charges are Class A Misdemeanors or Class D Felonies.

(C) Criminal Non-Support: All cases involving allegations of criminal non-support shall be assigned to the Court which had original jurisdiction of any filing of a Petition for Dissolution of Marriage, Dissolution Decree, Paternity Determination, or similar case filed. It is the objective of this provision to eliminate two Courts addressing the same party and related issues. If no prior case has been filed, such cases shall be filed in accordance with the rules previously set forth

(D) Protective Orders and Invasion of Privacy: If a Dissolution of Marriage is pending or has been granted to the parties or if a paternity action has been filed or has been determined and subsequently one of the parties petitions for a protective order against the other party, said protective order shall be assigned to the Court which

originally addressed the dissolution or paternity. The purpose of this policy is to assure that the same Court which has determined custody and visitation will also determine the terms of the protective order so that visitation can be assured while simultaneously the appropriate parties are protected. Therefore, any violation of a protective order (invasion of privacy) involving such parties shall likewise be filed in the Court originally addressing the dissolution or paternity and where the protective order was issued. It is the expressed desire of the Court to eliminate duplication and confusion in regards to multiple orders for various purposes involving the same parties.

(E) Pending Cases: Cases involving offenders who have charges pending in either Court, or prior convictions in either Court may be filed in that Court despite the provisions of Paragraphs (A) and (D).

LR01-CR2.2-02 TRANSFER

(A) Circuit to Superior: A Judge of Adams Circuit Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Superior Court, may transfer and reassign any criminal case to Superior Court pursuant to the authority of ~~I.C. 33-5-4.5-9~~ I.C. 33-33-1-4.

(B) Superior to Circuit: A Judge of the Adams Superior Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Circuit Court, may transfer and reassign any criminal case to Circuit Court pursuant to the authority of ~~I.C. 33-5-4.5-9~~ I.C. 33-33-1-4.

LR01-CR2.2-03 --REFILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken unless Local Rule 1 (above) regarding case assignment dictates otherwise. For example, a case may originally be filed as a Class D Felony Battery, later is dismissed, and subsequently is filed as Murder, a Class A Felony. Local Rule 1 in regard to case assignment shall take precedence and it shall be filed in Circuit Court

LR01-CR2.2-04 --REASSIGNMENT

(A) Circuit Court: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Circuit Court, the case shall be reassigned to Adams Superior Court.

(B) Superior Court: In the event a change of Judge is granted or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Superior Court, the case shall be reassigned to Adams Circuit Court.

(C) Alternative: In the event that a reassignment can not be accomplished pursuant to the rules set forth above, then the case will be reassigned in consecutive order to the following Judges: then by order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8 temporarily transfers the following named Judges to the Adams Circuit Court or Adams Superior Court for the purpose of reassignment of felony and misdemeanor cases and said individuals are as follows: the Honorable Tom D. Diller, the Honorable Joel D. Roberts, the Honorable Everett E. Geshorn, and the Honorable David L. Hanselman, Sr. the regular Judge of the Jay Circuit Court; the regular Judge of the Jay Superior Court; the regular Judge of the Wells Superior Court; and the regular Judge of the Wells Circuit Court.

~~In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above noted Judges.~~

LR01-CR2.2-05 --APPOINTMENT OF SPECIAL JUDGE

In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

DATED AND ORDERED THIS 24th DAY OF April, 2007

S/James A. Heimann
James A. Heimann, Judge
Adams Superior Court

S/Frederick A. Schurger
Frederick A. Schurger, Judge
Adams Circuit Court

STATE OF INDIANA

COUNTY OF ADAMS SS:

IN THE ADAMS CIRCUIT COURT
CASE NUMBER 01C01-0701-CB-0001

IN THE ADAMS SUPERIOR COURT
CASE NUMBER 01D01-0701-CB-0001

IN RE:
LOCAL RULES

AMENDED LOCAL RULE REGARDING COURT REPORTER SERVICES

Pursuant to Administrative Rule 15, the Court adopts the following plan governing all Court Reporter services:

LR01-AR15-01 *Definitions:* The Court adopts the definitions indicated in

Administrative Rule 15, which are set forth below:

(a) *A Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(b) *Equipment* means all physical items owned by the court or other government entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.

(c) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(d) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(e) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(f) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.

(g) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(h) *Overtime* hours worked means those hours worked in excess of forty (40) hours per work week.

(i) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(j) *Court* means the particular court for which the court reporter performs services. Depending upon the county, *Court* may also mean a group of courts, i.e. "X county Courts".

(k) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court. The county indigent transcript will also include any requests from the Local Prosecutor's Office.

(l) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(m) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

LR01-AR15-02 *Annual Salary:* Each Court Reporter shall be paid an annual salary for the time spent working under the control, direction and direct supervision of the Court during any regular work hours or overtime hours. Said salary shall be set by the Court each year and incorporated in the county salary ordinance.

LR01-AR15-03 *Indigent transcripts:* Considering the past experience of the Courts, it is anticipated that most indigent transcripts will be required to be prepared at a time other than regular work hours. For any such transcripts prepared by the Court Reporter at a time other than regular work hours, said Court Reporter shall be paid a per page fee of ~~\$3.50~~ \$4.00 per page. For these services, the Court Reporter shall submit a claim directly to the county for any county indigent transcript and shall submit a claim to the state for any state indigent transcripts. If any indigent transcript is prepared during regular work

hours, the Court Reporter shall be paid the regular salary and no per page fee shall be submitted or allowed.

If Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~\$7.00~~ \$7.50 per page where the transcript must be prepared within 24 hours or less and ~~\$6.50~~ \$7.00 per page where the transcript must be prepared within 7 days. A minimum fee of ~~\$35.00~~ \$40.00 will be charged for transcripts less than 10 pages in length. The time spent binding the transcript, exhibit and index volumes will be at an hourly rate of what the employee earns at an hourly rate. The Court Reporter may charge up to \$1.00 per page for a copy of a transcript or an exhibit.

LR01-AR15-04. *Private transcripts:* Considering the past experience of the Courts, it is anticipated that most private transcripts will be required to be prepared at a time other than regular work hours, just as is done with indigent transcripts mentioned above.

Therefore, for any such private transcripts prepared by the Court Reporter at a time other than regular work hours, said Court Reporter shall be paid a per page fee of ~~\$3.50~~ \$4.00 per page. The Courts do not anticipate that said private transcripts will be prepared during work hours, but if this does occur, the Court Reporter shall be paid regular salary and the per page fee of ~~\$3.50~~ \$4.00 shall be paid to the county.

If Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~\$7.00~~ \$7.50 per page where the transcript must be prepared within 24 hours or less and ~~\$6.50~~ \$7.00 per page where the transcript must be prepared within 7 days. A minimum fee of ~~\$35.00~~ \$40.00 will be charged for transcripts less than 10 pages in length. The time spent binding the transcript, exhibit and index volumes will be at an

hourly rate of what the employee earns at an hourly rate. The Court may charge up to \$1.00 per page for a copy of a transcript or an exhibit.

LR01-AR15-05 Each Court Reporter shall submit a report, at least on an annual basis to the Indiana Supreme Court Division of State Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the Court Reporter.

LR01-AR15-06 *Gap and overtime hours:* The Court Reporters in the Adams County Courts work 40 hours per week and, therefore, there is no "gap time". Over-time hours shall be paid at one and one-half (1 ½) times the equivalent of the hourly rate or as prescribed by county government rules, ordinances, or by state statute. Over-time also may be compensated by compensatory time and said compensatory time shall be utilized within 180 days of the approval of said time. (The Court recognizes that the county might require use of compensatory time in the week following its accrual, but such a requirement cannot be utilized by the Court. For example, a week long jury trial might require extensive over-time, but the jury trial might also delay many hearings and trials to the following week when the presence of the Court Reporter is absolutely necessary and, therefore, compensatory time, to be effective, must be utilized at a later date). Any overtime that is satisfied by compensatory time shall be one and a half times the hours worked overtime, for example, four hours overtime would be compensated by six hours of time off regular work hours.

LR01-AR15-07 *Use of equipment:* The Courts recognize that relatively few transcripts are prepared by a Court Reporter during the course of a year. The Courts also recognize that depositions for private individuals other than Court related transcripts are not

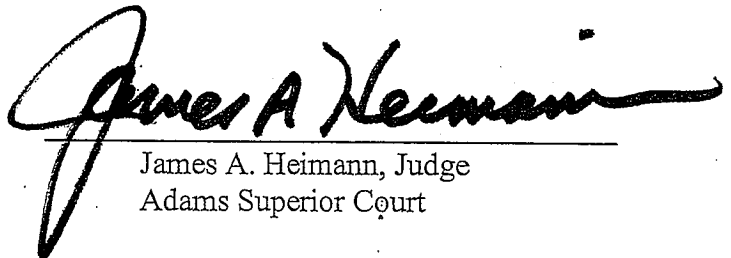
prepared by the Court Reporters. Therefore, it is not feasible for the Court Reporters to purchase machines, other equipment, paper, etc. for the preparation of transcripts, depositions and other matters. These transcripts are prepared by the Court Reporter solely in the official capacity as Court Reporter. Therefore, the "per page" charge which is set forth above anticipates that the Court Reporter is entitled to utilize the equipment and materials of the Court and that the compensation is, therefore, solely for the Court Reporter's labor.

Copies: Copies of this rule shall be provided to all present court reporters and any court reporter who is hired by the Court subsequent to the date of this order. Likewise, an executed copy of this order shall be forwarded to the Indiana Supreme Court for approval all in accordance with Administrative Rule 15.

DATED AND ORDERED: April 24, 2007.



Frederick A. Schurger, Judge
Adams Circuit Court



James A. Heimann, Judge
Adams Superior Court